

## REMARKS

The Examiner is thanked for the courtesies extended during the interview held June 3, 2010.

The following remarks are offered in response to the outstanding objections and rejections. The amendments and remarks are fully responsive to the outstanding rejections. Entry of the amendments, and due consideration of the following remarks, will place the pending claims in condition for allowance.

New claims 45 and 46 are added. Those claims cover embodiments wherein the amphiphilic pyridinium compound is that of compound 5 (MRS 2485), page 8 of the specification. No new matter is added by this amendment.

A telephonic interview was held June 3, 2010. The Examiner confirmed that the elected and examined compounds are those of Formula I wherein  $R_1$  is an optionally substituted benzyl moiety rather than being limited to the previously elected species of claim 2. Applicants gratefully acknowledge the confirmation, and offer the foregoing amendments consistent therewith to expedite disposal of the case.

### **§ 112 Issues:**

It is asserted that the specification lacks support for compounds of formula II that are bromide salts. The rejection is mooted by the amendments cancelling reference to compounds of formula II. Applicants nonetheless take issue with the rejection. Support for such bromide compounds is found throughout the specification, e.g., at pages 4 & 7.

The remaining § 112 issues have been mooted by amendments to the claims, including the removal of reference to the intended use of the pharmaceutical compositions of claims 12-14.

### **Non-Elected Subject Matter**

The Official Action states that claim 1, and its dependent claims, are allowable but for the recitation of non-elected subject matter; and that claims 12-14 would likewise be allowable provided the § 112 issues are addressed. The amendments to the claims introduced herein are responsive to and moot those rejections. By this Response, Applicants amend the claims to remove reference to the non-elected compounds of formula II, and to the non-elected compounds of formula I wherein R<sub>1</sub> is other than (optionally substituted) benzyl. Applicants offer these amendments without prejudice or disclaimer, and expressly reserve the right to pursue that subject matter in related applications. Applicants respectfully submit that those amendments place the application generally, and claims 1-8 and 11-14 specifically, in condition for allowance. Applicants respectfully request formal notification to that effect.

### **Conclusion**

For at least the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections and objections, and formal notification of allowability of the claims. If, however, the Examiner perceives any impediments to such notification of allowability, whether formal or substantive, Applicants urge the Examiner to contact their representative at the number provided

below. Such informal communication will expedite examination and disposition of the application.

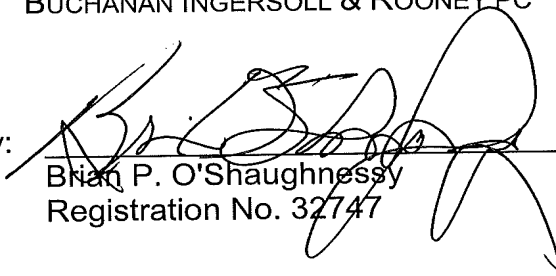
The Director is hereby authorized to charge any fees required under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: June 15, 2010

By:

  
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